

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK**

ADVANCED ACCESS CONTENT SYSTEM  
LICENSING ADMINISTRATOR, LLC,

Plaintiff,

v.

LANNY SHEN d/b/a DVDFAB AND  
FENGTAO SOFTWARE INC., SUNREG  
TECHNOLOGIES LTD. d/b/a DVDFAB AND  
FENGTAO SOFTWARE INC., FENG TAO  
d/b/a DVDFAB AND FENGTAO SOFTWARE  
INC., SHEN XINLAN d/b/a AUDIO-DVD  
CREATOR, and JOHN DOE, JANE DOE and/or  
XYZ COMPANY d/b/a DVDFAB, RIPPERBLU-  
RAY.COM, DVDFABB.COM and  
DVDFFFAB.COM,

Defendants.

**NO. 14-cv-1112 (VSB)**

**DECLARATION OF MATTHEW  
HEWLETT IN OPPOSITION TO  
DEFENDANT FENG TAO d/b/a  
DVDFAB AND FENGTAO  
SOFTWARE INC.'s MOTION TO  
AMEND INJUNCTION PURSUANT  
TO RULE 59(e)**

MATTHEW HEWLETT, under penalty of perjury, declares and says:

1. I am a private investigator licensed by the State of North Carolina and employed by Vaudra, Ltd. ("Vaudra"), a North Carolina-based investigation company. I have been employed as a private investigator, focusing on intellectual property infringement for the past ten years. I have been employed by Vaudra since October 2009. I have conducted and/or participated in approximately seven-hundred investigations involving intellectual property violations, including through Internet sales.

2. I submit this declaration on behalf of plaintiff Advanced Access Content System Licensing Administrator, LLC ("AACS LA" or "Plaintiff") in opposition to defendant Feng Tao

d/b/a DVDFab and Fengtao Software Inc.’s (“Feng Tao” or “Defendant Feng Tao”) motion to amend the Order for preliminary injunction entered March 4, 2014.

3. The following actions were undertaken by myself, or in conjunction with other Vaudra investigators. If called upon as a witness, I could testify to the following from personal knowledge and/or a review of Vaudra’s business files.

4. At the request of AACLS LA, Vaudra investigated defendants Lanny Shen d/b/a DVDFab and Fengtao Software Inc., SunReg Technologies Ltd. d/b/a DVDFab and Fengtao Software Inc., Feng Tao d/b/a DVDFab and Fengtao Software Inc., Shen Xinlan d/b/a Audio-DVD Creator, and John Doe, Jane Doe and/or XYZ Company d/b/a DVDFab, RipperBlu-ray.com, DVDFabb.com and DVDFfab.com’s (“Defendants”) sales of software products designed to circumvent AACLS LA’s AACLS Technology and continues to investigate the same.

5. In my experience, based on investigation of thousands of websites violating intellectual property laws over a period of at least 10 years, trademark counterfeiters, copyright pirates and other parties whose enterprises operate through violation of intellectual property laws evade effective enforcement by registering multiple domains to associate with the websites through which they operate and registering new domains whenever their prior domains are shut down.

***Disabling of Old DVDFab Websites and New DVDFab Websites***

6. On March 10, 2014, Defendants’ domain names DVDFab.com DVDFab.net, DVDIdle.com, 3d-video-converters.com, 3dBluRay-ripper.com, Blu-Rayripper.us, Blu-Ray-Software.us, BluRaysbs3d.com, CopyBluRay.us, DVDFab9.com, kopiersoftware.com, macBluRaycopy.com, mourlife.com, readtechnews.com, sbs3d.com, sbs3dconverter.com, sbs3dcopy.com, sbs3dripper.com, tracehotnews.com, wollytech.com, xn--dvd-

ti4bzc1jla2oj3ne.com, 2d-3d-converter.com, copyDVDsoftware.us, sbs3dcreator.com, audio-dvd-creator.com, ripperBluRay.com, DVDFabb.com and DVDFfab.com, and the associated websites, were disabled by the domain name registries VeriSign and Neustar. None of those websites have been operational after March 10, 2014. Defendants' domain names DVDFab.jp, BluRayripper.jp, BluRaysoft.jp, and DVDvideosoftware.jp and videoconverter.jp were disabled at a later date by the domain name registry Japan Registry Service (JPRS). Screenshots of Defendants' website located at DVDFab.com taken on March 7 and 10, 2014 are attached hereto as Exhibit A.

7. Subsequent to my prior declaration, dated Feb. 19, 2014 (my "Feb. 19 Declaration"), a number of new domain names associated with websites advertising, offering for sale, selling and providing downloads of DVDFab software, including "re-branded" as BluFab as discussed below, have been registered and/or begun operating: DVDFab.cn, BluFab.cn and FabImg.net. Whois registrant information for those domain names and DVDFab.de are attached hereto as Exhibit B. As shown in Exhibit B, the websites at DVDFab.cn, BluFab.cn, FabImg.net and DVDFab.de all share the same IP address: 67.205.112.209. Screenshots of the website located at DVDFab.cn are attached hereto as Exhibit C. Screenshots of the website located at BluFab.cn are attached hereto as Exhibit D. Screenshots of the website located at FabImg.net are attached hereto as Exhibit E.

8. As shown in Exhibit B, on March 10, 2014, a 北京世纪高蓝科技有限公司 (which per Google Translate translates as "Blue Technology Co., Ltd. Beijing Century") and having a contact email address of [frankosee@hotmail.com](mailto:frankosee@hotmail.com) registered the domain name DVDFab.cn. As shown in Exhibit C, on or before March 11, 2014, the website located at DVDFab.cn began operating. As shown in Exhibit C, the website at DVDFab.cn advertises,

offers for sale, sells and provides downloads of DVDFab software including: DVDFab Blu-ray Ripper (3D plus); DVDFab Blu-ray Copy; DVDFab Blu-ray to DVD Converter; DVDFab HD Decrypter; and Passkey Lite. As shown in Exhibit C, the language of the website at DVDFab.cn defaults to English and the website accepts payments for purchases in U.S. dollars.

9. As shown in Exhibit B, on March 15, 2014, a 冯涛 (which per Google Translate translates as “Feng Tao”) and having a contact email address of [frankosee@126.com](mailto:frankosee@126.com) registered the domain name BluFab.cn. As shown in Exhibit D, on or before March 18, 2014, the website located at BluFab.cn began operating. As shown in Exhibit D, the website at BluFab.cn advertises, offers for sale, sells and provides downloads of “BluFab” software including: BluFab Blu-ray to DVD Converter and BluFab HD Decrypter and Passkey Lite. As shown in Exhibit D, the language of the website at BluFab.cn defaults to English and the website accepts payments for purchases in U.S. dollars. As reflected in Exhibit P, noted below, BluFab.cn was launched as a result of Defendants having “rebranded DVDFab into BluFab.”

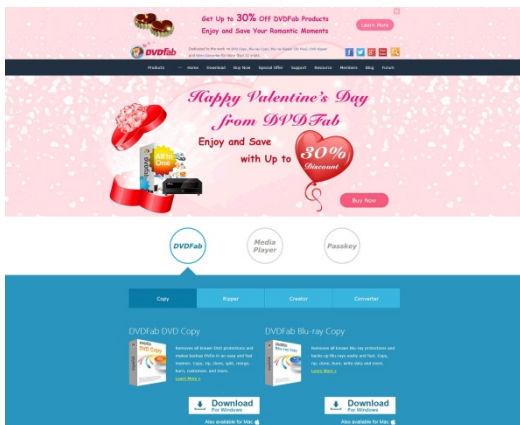
10. As shown in Exhibit E, on or before April 3, 2014, the website at FabImg.net, which (as shown in Exhibit B) like many of the domain names discussed in my Feb. 19 Declaration is registered to Xin Lan Shen and SunReg Technologies Ltd., began operating. As shown in Exhibit E, the website at FabImg.net advertises, offers for sale, sells and provides downloads of DVDFab software including: DVDFab Blu-ray Ripper (3D plus); DVDFab Blu-ray Copy; DVDFab Blu-ray to DVD Converter; DVDFab HD Decrypter; and Passkey Lite.

11. Screenshots taken subsequently to my Feb. 19 Declaration of the websites reached from DVDFab.de and DVDFab.jp are attached hereto as Exhibit F. The domain name at DVDFab.de, discussed in my Feb. 19 Declaration, continues to operate and automatically redirects users to de.DVDFab.cn, the language of which defaults to German. Until recently, the

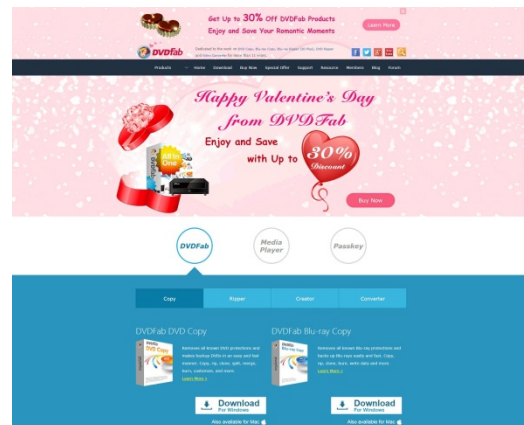
domain name and website at DVDFab.jp, discussed in my Feb. 19 Declaration, continued to operate.

12. On March 10, 2014, when we attempted to access the websites at DVDFab.de and DVDFab.jp, we were automatically redirected to a website at en.DVDFab.jp, the language of which, as shown in screenshots included in Exhibit F, defaulted to English.

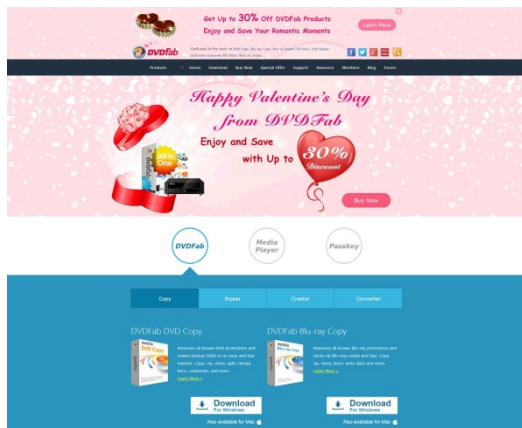
13. As shown in Exhibits C-E hereto and Exhibits A & I to my Feb. 19 Declaration, the websites located at DVDFab.cn, BluFab.cn, FabImg.net, and DVDFab.de, and the websites formerly located at DVDFab.com, DVDFab9.com, DVDFab.jp, DVDFabb.com, and DVDFfab.com are mirror images of one another, except that, as stated, the website at BluFab.cn reflects a “re-branding” of the DVDFab software to “BluFab” and the languages of the websites at DVDFab.de and DVDFab.jp have alternately defaulted to English and either German or Japanese, respectively, during the time of our investigation:



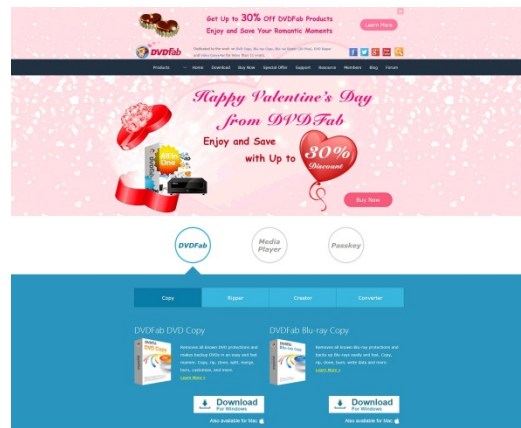
DVDFab.com (Feb. 14, 2014, Before Preliminary Injunction Order)



DVDFab9.com (Feb. 14, 2014, Before Preliminary Injunction Order)



DVDFfab.com (Feb. 14, 2014, Before Preliminary Injunction Order)



DVDFabb.com (Feb. 14, 2014, Before Preliminary Injunction Order)



DVDFab.jp (Feb. 14, 2014, Before Preliminary Injunction Order)



DVDFab.de (Feb. 10, 2014, Before Preliminary Injunction Order)

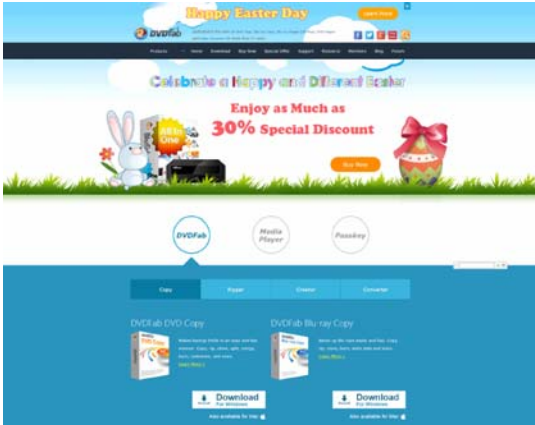


DVDFab.cn (Apr. 15, 2014, After Preliminary Injunction Order)



BluFab.cn (Apr. 15, 2014, After Preliminary Injunction Order)





FabImg.net (Apr. 15, 2014, After Preliminary Injunction Order)

14. We purchased a DVDFab software license key from DVDFab.com, paying in U.S. dollars. Screenshots reflecting that transaction are attached hereto as Exhibit G.

15. A Whois registrant report for the domain name ILikeDVDFab.com and screenshots of the website located at ILikeDVDFab.com are attached hereto as Exhibit H. As shown in Exhibit H, on March 11, 2014, an anonymous registrant protected by a domain name registration privacy service registered the domain name ILikeDVDFab.com. As shown in Exhibit H, on or before March 12, 2014, the website located at ILikeDVDFab.com began operating. As shown in Exhibit H, the website at ILikeDVDFab.com prominently features an illustration of DVDFab's monkey mascot:



As shown in Exhibit H, the website at ILikeDVDFab.com allowed users to click a button to “tweet” on Twitter “#DVDFabComeBack I love this software and I need DVDFab come back!”, and published a timeline of events as follows:

**Background:**

March 10, 2014, Judge Broderick from a New York federal court ruled the suspension of DVDFab, a small Chinese software developer headquartered in Beijing, several of its domains and social media accounts, accusing the latter violating copyright protections of AACs and other movie studios in the States.

**What Was Affected?**

Several hours after the Order had been put into effect, people from around the world were reporting that [www.dvdfab.com](http://www.dvdfab.com), our portal site, was no longer accessible. As it turned out, our website had been blocked...

March 11, the DVDFab Facebook Fanpage was removed . . .

**What We Have Done?**

Nothing. With our history as a software developer we have had only one mission in mind: To provide customers the world's best DVD, Blu-ray, video backup and conversion solution for private LEGAL purposes (personal use at home) ONLY. The value of people's entertainment has been greatly improved thanks to the existence of DVDFab software and being able to back their legally purchased media up.

**What We Will Do Next?**

In order to protect the interests of our existing customers, we have already recovered all the normal businesses to [www.dvdfab.cn](http://www.dvdfab.cn). At the same time, we promise to reverse the situation through every possible effort. DVDFab Team as a whole, will stick to the same mission in the years to come, to better your entertainment life. We shall not perish from this earth!

***Social Media Sites and Customer Communications***

16. According to Alexa.com, the website of Alexa, a prominent provider of traffic data, global rankings and other information on thousands of websites, 22% of visitors to Facebook are located in the United States. The United States is listed on Alexa as the top country by visitors to Facebook. Alexa also reports that 29% of visitors to Twitter are located in the United States. The United States is listed on Alexa as the top country by visitors to Twitter.



Printouts of Alexa reports of visitors to Facebook and Twitter by country are attached hereto as Exhibit I.

17. Screenshots of Defendants' Twitter account located at twitter.com/DVDFabber, which account was discussed in my Feb. 19 Declaration, are attached hereto as Exhibit J. As shown in Exhibit J, Defendants using this Twitter account, among other things, encouraged users to promote DVDFab Software and its evasion of the Preliminary Injunction Order by "tweeting" the hashtag phrases #ILikeDVDFab and #DVDFabComeBack, and Defendants using this Twitter account stated to users:

- "Dear all, DVDFab.com was blocked by third party. We need your help, please RT this to make #DVDFabComeBack Thank you!";
- "DVDFab will keep updating. #DVDFabComeBack #ILikeDVDFab"; and
- "#DVDFabComeBack We now use the new domain name dvdfab.cn We won't let you down. Trust us and RT this. Thanks!"

18. Subsequent to my Feb. 19 Declaration, Defendants created new Facebook and Twitter profiles entitled "Ilikedvdfab," Defendants operate an additional Facebook profile and page entitled "DVDFab" and additional Google+ profiles and pages entitled "DVDFab" and "Feng Tao." Screenshots of these Facebook, Twitter and Google+ profiles and pages are attached hereto as Exhibit K.

19. On March 12, 2014, we received an English-language email from the DVDFab Group apparently directed to all DVDFab software customers subscribed to the DVDFab newsletter and identifying its affiliation as with DVDFab.cn. A true and correct copy of that email is attached hereto as Exhibit L.

***Media Coverage and Reviews***

20. Screenshots of Internet reviews of Defendants' DVDFab Software located at [http://download.cnet.com/DVDFab-SE/3000-7970\\_4-75812400.html](http://download.cnet.com/DVDFab-SE/3000-7970_4-75812400.html) and <http://video-tips.jimdo.com/2013/10/31/top-5-best-blu-ray-ripper> are attached hereto as Exhibit M.

21. Screenshots of forum posts and media coverage regarding this lawsuit, actions taken by Defendants related to this lawsuit and the DVDFab Software located at the following URLs are attached hereto as the following Exhibits:

Date	Exhibit	Source
Mar. 11, 2014	N	myce.com
Mar. 13 & 14, 2014	O	myce.com
Mar. 17, 2014	P	forum.DVDFab.jp myce.com
Mar. 20, 2014	Q	club.myce.com
Mar. 21, 2014	R	forum.dvdfab.cn
Apr. 15, 2014	S	club.myce.com myce.com

22. As shown in dated screenshots included in Exhibit R, Defendants announced that its BluFab software "will no longer decrypt any DVD and Blu-ray protections" but later edited that forum post to remove it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21 day of April 2014 in Charlotte, North Carolina.

  
Matthew Hewlett